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Agenda item 66
**General and complete disarmament**

## Letter dated 30 January 2003 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to forward the following documents and request their circulation as a document of the General Assembly under agenda item 66 (see annex):

- A copy of the letter from the Dutch Minister for Foreign Affairs, Mr. De Hoop-Scheffer;
- Text of the International Code of Conduct against Ballistic Missile Proliferation (ICOC);
- List of Subscribing States.

(*Signed*) Dirk Jan **van den Berg**
Ambassador
Permanent Representative

03-24044 (E) 120203

## Annex to the letter dated 30 January 2003 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

## Letter dated 11 January 2003 from the Minister for Foreign Affairs of the Kingdom of the Netherlands to the Secretary-General

I have the honour to submit to you the text of the International Code of Conduct against Ballistic Missile Proliferation (ICOC), which was adopted in The Hague on 25 November 2002. I would greatly appreciate it if you would distribute it, along with this letter, to all States Members of the United Nations as an official document (see enclosure).

At their first meeting, the Subscribing States decided that the Netherlands would be Chair of ICOC for the period of one year and that Austria would be the Immediate Central Contact (ICC). They also declared that the International Code of Conduct against Ballistic Missile Proliferation would henceforth be known as The Hague Code of Conduct.

States Members of the United Nations that have not yet subscribed to The Hague Code of Conduct may do so by submitting a note verbale to the Immediate Central Contact at the Austrian Federal Ministry of Foreign Affairs, Ballhausplatz 2, 1014 Vienna. As soon as they have stated their wish to adhere to the Code, they may participate in the working meetings at which decisions will be made on the remaining questions to be addressed before the Code can become fully operational.

The Netherlands hopes that all States Members of the United Nations will seriously consider subscribing to The Hague Code of Conduct, thereby making an important contribution to international peace and stability.

(*Signed*) Jaap **de Hoop-Scheffer**
Minister for Foreign Affairs of the Kingdom of the Netherlands

# International Code of Conduct against Ballistic Missile Proliferation

## Preamble

**The Subscribing States:**

Reaffirming their commitment to the United Nations Charter;

Stressing the role and responsibility of the United Nations in the field of international peace and security;

Recalling the widespread concern about the proliferation of weapons of mass destruction and their means of delivery;

Recognizing the increasing regional and global security challenges caused, inter alia, by the ongoing proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction;

Seeking to promote the security of all states by fostering mutual trust through the implementation of political and diplomatic measures;

Having taken into account regional and national security considerations;

Believing that an International Code of Conduct against Ballistic Missile Proliferation will contribute to the process of strengthening existing national and international security arrangements and disarmament and non-proliferation objectives and mechanisms;

Recognising that subscribing States may wish to consider engaging in co-operative measures among themselves to this end;

1. Adopt this International Code of Conduct against Ballistic Missile Proliferation (hereinafter referred to as 'the Code');

2. Resolve to respect the following Principles:

a) Recognition of the need comprehensively to prevent and curb the proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction and the need to continue pursuing appropriate international endeavours, including through the Code;

b) Recognition of the importance of strengthening, and gaining wider adherence to, multilateral disarmament and non-proliferation mechanisms;

c) Recognition that adherence to, and full compliance with, international arms control, disarmament and non-proliferation norms help build confidence as to the peaceful intentions of states;

d) Recognition that participation in this Code is voluntary and open to all States;

e) Confirmation of their commitment to the United Nations Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States taking into particular Account the Needs of Developing Countries, adopted by the United Nations General Assembly (Resolution 51/122 of 13 December 1996);

f) Recognition that states should not be excluded from utilising the benefits of space for peaceful purposes, but that, in reaping such benefits and in conducting related cooperation, they must not contribute to the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction;

g) Recognition that Space Launch Vehicle programmes should not be used to conceal Ballistic Missile programmes;

h) Recognition of the necessity of appropriate transparency measures on Ballistic Missile programmes and Space Launch Vehicle programmes in order to increase confidence and to promote non-proliferation of Ballistic Missiles and Ballistic Missile technology;

3. Resolve to implement the following General Measures:

a) To ratify, accede to or otherwise abide by:

- the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967),
- the Convention on International Liability for Damage Caused by Space Objects (1972), and
- the Convention on Registration of Objects Launched into Outer Space (1975);

b) To curb and prevent the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction, both at a global and regional level, through multilateral, bilateral and national endeavours;

c) To exercise maximum possible restraint in the development, testing and deployment of Ballistic Missiles capable of delivering weapons of mass destruction, including, where possible, to reduce national holdings of such missiles, in the interest of global and regional peace and security;

d) To exercise the necessary vigilance in the consideration of assistance to Space Launch Vehicle programmes in any other country so as to prevent contributing to delivery systems for weapons of mass destruction, considering that such programmes may be used to conceal Ballistic Missile programmes;

e) Not to contribute to, support or assist any Ballistic Missile programme in countries which might be developing or acquiring weapons of mass destruction in contravention of norms established by, and of those countries' obligations under, international disarmament and non-proliferation treaties;

4. Resolve to implement the following:

a) Transparency measures as follows, with an appropriate and sufficient degree of detail to increase confidence and to promote non-proliferation of Ballistic Missiles capable of delivering weapons of mass destruction:

i) With respect to Ballistic Missile programmes to:

- make an annual declaration providing an outline of their Ballistic Missile policies. Examples of openness in such declarations might be relevant information on Ballistic Missile systems and land (test-) launch sites;
- provide annual information on the number and generic class of Ballistic Missiles launched during the preceding year, as declared in conformity with the pre-launch notification mechanism referred to hereunder, in tiret iii);

ii) With respect to expendable Space Launch Vehicle programmes, and consistent with commercial and economic confidentiality principles, to:

- make an annual declaration providing an outline of their Space Launch Vehicle policies and land (test-) launch sites;
- provide annual information on the number and generic class of Space Launch Vehicles launched during the preceding year, as declared in conformity with the pre-launch notification mechanism referred to hereunder, in tiret iii);
- consider, on a voluntary basis (including on the degree of access permitted), inviting international observers to their land (test-) launch sites;

iii) With respect to their Ballistic Missile and Space Launch Vehicle programmes to:

• exchange pre-launch notifications on their Ballistic Missile and Space Launch Vehicle launches and test flights. These notifications should include such information as the generic class of the Ballistic Missile or Space Launch Vehicle, the planned launch notification window, the launch area and the planned direction;

b) Subscribing States could, as appropriate and on a voluntary basis, develop bilateral or regional transparency measures, in addition to those above.

c) Implementation of the above Confidence Building Measures does not serve as justification for the programmes to which these Confidence Building Measures apply;

5. Organisational aspects

Subscribing States determine to:

a) Hold regular meetings, annually or as otherwise agreed by Subscribing States;

b Take all decisions, both substantive and procedural, by a consensus of the Subscribing States present;

c) Use these meetings to define, review and further develop the workings of the Code, including in such ways as:

• establishing procedures regarding the exchange of notifications and other information in the framework of the Code;

• establishing an appropriate mechanism for the voluntary resolution of questions arising from national declarations, and/or questions pertaining to Ballistic Missile and/or Space Launch Vehicle programmes;

• naming of a Subscribing State to serve as an immediate central contact for collecting and disseminating Confidence Building Measures submissions, receiving and announcing the subscription of additional States, and other tasks as agreed by Subscribing States, and

• others as may be agreed by the Subscribing States, including possible amendments to the Code.

Annex

# LIST OF SUBSCRIBING STATES

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| Albania | 25 November 2002 |
| Argentina | 25 November 2002 |
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